

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 22, 2003

D042250 In re T.V., a Juvenile

The order is affirmed. O'Rourke, J.; We Concur: McConnell, P. J., Benke, J.

D040343 Pedrin v. Civil Constructors Corporation

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D043016 Evelyn L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

D041061 Taylor v. Mr. T.

The order of dismissal is reversed in part with directions to conduct further proceedings to order paternity testing consistent with the views expressed above. The order quashing the subpoena duces tecum is affirmed. The order directing petitioner not to file any other paternity actions is vacated as moot. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D041178 Copus v. Bietz et al.

The judgment is affirmed. Respondents' motion for sanctions for a frivolous appeal is granted and \$900 monetary sanctions are imposed, jointly and severally, against appellant Copus and attorney Stafford W. Prante.

D043363 Liggett et al. v. Superior Court of San Diego County/Merrill Lynch Pierce Fenner & Smith et al.

The petition is denied.

D042687 Friedman v. Friedman

Upon written stipulation filed by the parties to appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
December 23, 2003

D041120 People v. Wilson

The superior court is ordered to amend the abstract of judgment to reflect that the sentences imposed on counts 3 through 9 are to be served concurrently. The court shall forward an amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

D042089 In re Leah P., a Juvenile

The petition for rehearing is denied.

D043374 In re Wasko on Habeas Corpus

The petition is denied without prejudice to refile upon a showing that the superior court has already considered his latest denial of parole or after consideration by the superior court if it has not already done so.

D042244 People v. Izquierdo

The judgment is modified to stay the imposition of sentence for possessing methamphetamine pursuant to section 654 and is otherwise affirmed. McDonald, J.; We Concur: McConnell, P.J., O'Rourke, J.

D041386 People v. Street

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Nares, J.

D041495 People v. Cortes

The judgment is modified as follows: Drug/Alcohol conditions 7a, 7c, 7d, and 7j are stricken and the polygraph examination condition is limited to questions related to Cortes's offense. As modified, the judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., McDonald, J.

D041535 In re Albert T., a Juvenile

The juvenile court's order that Albert pay \$28,467.88 restitution is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D041912 People v. Kestner

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Haller, J.

D041037 People v. Nguyen

Nguyen's conviction on count 3 of the information is reversed. The matter is remanded to the superior court with directions to strike Nguyen's count 3 conviction and sentence imposed in this conviction, and forward an amended abstract of judgment to the appropriate authorities. In all other respects, the judgment is affirmed. McDonald, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D041828 People v. Pineda-Dugue

The order denying Pineda-Dugue's petition is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Nares, J.

D042367 People v. Sawyer

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 23, 2003 (Continued)

D043328 Bowles v. Superior Court of San Diego County/People

The petition is denied.

D043379 In re Reyes on Habeas Corpus

The petition is denied.

D042190 In re Jacobs on Habeas Corpus

The petition is denied.

D043218 Gary P. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Gary P. has notified the court on behalf of petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D041422 Mistretta et al. v. Archstone Communities Inc., et al.

Upon written request filed by appellant, the appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 24, 2003

D040381 Leeson et al. v. Newgen Results Corporation et al.

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Haller, J.

D039426 People v. Cantera

D041035 People v. Cantera

(Consolidated) In case No. SCD160356, we remand to the superior court to explicitly state whether probation was revoked because a preponderance of the evidence supports possession for sale. If the superior court determines possession for sale was not a basis for revoking Cantera's probation, then Cantera's probation should be reinstated. We reverse the superior court's imposition of a \$400 restitution fee and \$400 parole revocation fee and order the superior court to impose a \$200 restitution fee. If probation was properly revoked, we order the superior court to also impose a \$200 parole revocation fee. In case No. SCD161412, we order the superior court to correct the judgment by striking the requirement that Cantera pay attorney fees of \$570 and by beginning Cantera's term of probation on November 30, 2001. We affirm in all other respects. O'Rourke, J.; We Concur: Benke, Acting P.J., Haller, J.

D041731 In re Rachel M., a Juvenile

D042607 Rachel M. v. Superior Court of San Diego County/San Diego County Health & Human Services Agency and Rosi M.

The petitions for rehearing are denied.

D040327 Smythe v. Dallenbach et al.

The judgment is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 26, 2003

NO ENTRIES THIS DATE